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★ FEB 16 2012 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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UNITED STATES OF AMERICA,

Plaintiff,

ORDER

-and-

07-CV-2067 (NGG) (RLM)

THE VULCAN SOCIETY, INC., *for itself and on behalf of its members*, JAMEL NICHOLSON, and RUSEBELL WILSON, *individually and on behalf of a subclass of all other victims similarly situated seeking classwide injunctive relief*;

ROGER GREGG, MARCUS HAYWOOD, and KEVIN WALKER, *individually and on behalf of a subclass of all other non-hire victims similarly situated*; and

CANDIDO NUÑEZ *and* KEVIN SIMPKINS, *individually and on behalf of a subclass of all other delayed-hire victims similarly situated*,

Plaintiff-Intervenors,

-against-

THE CITY OF NEW YORK,

Defendant,

-and-

THE UNIFORMED FIREFIGHTERS ASSOCIATION
OF GREATER NEW YORK,

A Non-Aligned Party.

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NICHOLAS G. GARAUFIS, United States District Judge.

The United States has submitted to the court a letter brief proposing eligibility criteria for claimants seeking individual monetary relief. (United States June 24, 2011 Letter (Docket Entry # 651).) Although the parties do not agree on all eligibility criteria (see City of New York June

24, 2011 Letter (Docket Entry # 649) at 1-2; United States July 1, 2011 Letter (Docket Entry # 657) at 1), the parties agree that one criterion that should render a claimant ineligible is a score of lower than 25 on Written Exam 7029 or Written Exam 2043 (see United States June 24, 2011 Letter at 2). The parties are instructed to submit a joint letter brief explaining the justification for using a minimum score of 25 on either written exam as an eligibility criterion and should specifically address why this criterion is appropriate in light of the court's ruling that neither of these exams was job-related. (July 22, 2009 Mem. & Order (Docket Entry # 294) at 92.) The parties shall file their brief no later than Tuesday, February 21, 2012.

SO ORDERED.

Dated: Brooklyn, New York
February 16, 2012

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge